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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 COYNESS L. ENNIX, JR., M.D.,

12 Plaintiff,

13 v.

14 ALTA BATES SUMMIT MEDICAL CENTER,

15 Defendant.
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CASE NO. C 07-2486 WHA

**[PROPOSED] ORDER
REGARDING DEFENDANT'S
OBJECTIONS TO PLAINTIFF'S
OPPOSITION EVIDENCE**

DATE: April 24, 2008
TIME: 8:00 a.m.
DEPT: Ctrm. 9, 19th Flr
JUDGE: Hon. William H. Alsup

COMPLAINT FILED: May 9, 2007
TRIAL DATE: June 2, 2008
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19 Having reviewed Defendant's Objections to Plaintiff's Evidence, the Court
20 makes the following evidentiary rulings:

21 1. Objection to Consideration of Paragraphs 2-9 and Exhibits B-F of
22 the Sweet Declaration.

23 Sustained _____ Overruled _____

24 2. Objection to Consideration of the Declaration of Physician H.

25 Sustained _____ Overruled _____

26 3. Objection to Consideration of the Declaration of Alex Zapolanski,
27 M.D.

28 Sustained _____ Overruled _____

1 4. Objection to Consideration of the Declaration of William S.
2 Weintraub, M.D.

3 Sustained _____ Overruled _____

4 5. Objection to 2:16-18 of the Ennix Opposition Declaration.

5 Sustained _____ Overruled _____

6 6. Objection to 2:23-24 of the Ennix Opposition Declaration.

7 Sustained _____ Overruled _____

8 7. Objection to 3:4-8 of the Ennix Opposition Declaration.

9 Sustained _____ Overruled _____

10 8. Objection to Plaintiff's conclusion that Dr. Ennix's peers had similar
11 complications and worse mortality rates than did Ennix.

12 Sustained _____ Overruled _____

13 9. Objection to Sweet's Declaration, ¶¶ 29, 5:26-6:11.

14 Sustained _____ Overruled _____

15 10. Objection to Sweet's Declaration, ¶¶ 27, 5:19-22.

16 Sustained _____ Overruled _____

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18 **IT IS SO ORDERED.**

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20 Dated: _____

THE HONORABLE WILLIAM H. ALSUP
UNITED STATES DISTRICT COURT JUDGE

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